

SENATE RECORD VOTE ANALYSIS

104th Congress
2nd Session

Vote No. 210

July 19, 1996, 11:06 am
Page S-8334 Temp. Record

WELFARE REFORM RECONCILIATION/Legislative Powers, 2-Year Review

SUBJECT: Personal Responsibility and Work Opportunity Act of 1996 . . . S. 1956. Wellstone motion to waive section 305(b)(2) of the Budget Act for the consideration of the Wellstone/Simon amendment No. 4918.

ACTION: MOTION REJECTED, 46-50

SYNOPSIS: As reported, S. 1956, the Personal Responsibility and Work Opportunity Act of 1996, will enact major welfare reforms. The Aid to Families with Dependent Children (AFDC) program will be replaced with a new Temporary Assistance for Needy Families (TANF) block grant to the States. The TANF block grant will be capped through 2001. Time limits will be placed on individuals receiving TANF benefits. Overall, the growth in non-Medicaid welfare spending will be slowed to 4.3 percent annually. The bill originally included major Medicaid reforms, but most of those provisions were stricken when the bill was reported. Without those Medicaid reforms, welfare spending will still be reduced by \$61.4 billion over 6 years.

The Wellstone/Simon amendment would order the Secretary of Health and Human Services (HHS) to develop data and, by January 30, 1999, to report to Congress on whether she thought the national child poverty rate for fiscal year 1998 was higher than it would have been had this Act not been implemented. If she made that determination, her report would include recommendations for legislation to halt the increase in the poverty rate. The report would be accompanied by those recommendations in the form of a bill. The Majority Leader in each House would introduce that bill, and it would be considered under expedited procedures.

Following debate, Senator Santorum raised the point of order that the amendment violated section 305(b)(2) of the Budget Act. Senator Wellstone then moved to waive that section for the consideration of the amendment. Generally, those favoring the motion to waive favored the amendment; those opposing the motion to waive opposed the amendment.

NOTE: A three-fifths majority (60) vote of the Senate is required to waive the Budget Act. Following the failure of the motion to waive, the point of order was upheld and the amendment thus fell.

Those favoring the motion to waive contended:

(See other side)

YEAS (46)			NAYS (50)			NOT VOTING (4)	
Republicans (2 or 4%)	Democrats (44 or 98%)		Republicans (49 or 96%)	Democrats (1 or 2%)		Republicans (2)	Democrats (2)
Jeffords	Akaka	Inouye	Abraham	Hatfield	Byrd	Campbell ⁻²	Nunn ⁻²
Snowe	Baucus	Johnston	Ashcroft	Helms		Thomas ⁻²	Pryor ⁻²
	Biden	Kennedy	Bennett	Hutchison			
	Bingaman	Kerrey	Bond	Inhofe			
	Boxer	Kerry	Brown	Kassebaum			
	Bradley	Kohl	Burns	Kempthorne			
	Breaux	Lautenberg	Chafee	Kyl			
	Bryan	Leahy	Coats	Lott			
	Bumpers	Levin	Cochran	Lugar			
	Conrad	Lieberman	Cohen	Mack			
	Daschle	Mikulski	Coverdell	McCain			
	Dodd	Moseley-Braun	Craig	McConnell			
	Dorgan	Moynihan	D'Amato	Murkowski			
	Exon	Murray	DeWine	Nickles			
	Feingold	Pell	Domenici	Pressler			
	Feinstein	Reid	Faircloth	Roth			
	Ford	Robb	Frahm	Santorum			
	Glenn	Rockefeller	Frist	Shelby			
	Graham	Sarbanes	Gorton	Simpson			
	Harkin	Simon	Gramm	Smith			
	Heflin	Wellstone	Grams	Specter			
	Hollings	Wyden	Grassley	Stevens			
			Gregg	Thompson			
			Hatch	Thurmond			
				Warner			

EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

The Wellstone amendment would enact a fail-safe mechanism. If, in 2 years, the Secretary of Health and Human Services determined that the implementation of this bill was increasing the number of hungry and homeless children in America, then she would so report to Congress and she would propose solutions. Congress would consider those solutions under expedited procedures. Senators have very different ideas as to the merits of this welfare reform bill, but we hope that we can all at least agree that if in 2 years it is found to be having disastrous results we will take corrective action. No Senator favors increasing poverty among children. Our hope, therefore, is that Senators will unanimously support this amendment to require prompt action if that is the unintended result of this bill.

Those opposing the motion to waive contended:

The Wellstone amendment is wholly redundant and wholly unacceptable because it would cede congressional authority in an unprecedented manner to an unelected Administration official. HHS, other Federal Departments and agencies, and numerous private sector groups collect tremendous amounts of information on poverty rates and on a whole variety of other factors dealing with children in poverty. That information is regularly compiled and made available to Congress. Further, this bill will require a wide variety of studies, evaluations, and rankings of each State's relative success in implementing its reforms. The effects of this reform bill will be closely monitored and evaluated every step of the way. The Wellstone amendment would not add anything to these studies, and on that basis alone it should be rejected. However, our objections go far beyond the amendment's redundancy. The amendment would order the Secretary of HHS to decide if she thought the welfare reform bill was increasing poverty, and, if so, to submit legislation that Congress would be required to consider under fast track procedures. We are dismayed at this proposal. Our colleagues, in effect, would make this unelected, executive branch official a super-legislator who would write the text of a law that Congress would have to consider under procedures that are more privileged than those accorded to legislation submitted by any Member of Congress. Perhaps the reasoning of our colleagues is that die-hard liberal defenders of the welfare state at HHS will, despite any evidence to the contrary, declare that poverty is increasing, and will then submit a bill demanding more Federal spending and more Federal controls. Certainly for the past 30 years, as poverty has steadily risen, we have always heard the same solution offered by HHS--more spending and more regulations. Certainly we know that HHS has been sharply critical of the welfare reform proposals in this bill, despite the fact that they emulate State reform programs that have had tremendous success. Certainly we know that HHS has made those criticisms at the same time that we have been given an estimate by the Congressional Budget Office that if the status quo that is favored by HHS is followed, another 3 million children will be on welfare in the next 9 years. Given HHS's track record in ignoring the failures of the welfare state to date, our colleagues may well reasonably assume that it will continue in that vein 2 years from now and submit a bill in its defense. Whether such an assumption is correct or not is irrelevant. Congress should not cede any of its legislative authority to unelected officials. This proposal is highly offensive; we strongly urge its rejection.